

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

FILED

AUG 18 2021

**U.S. CLERK'S OFFICE
INDIANAPOLIS, INDIANA**

UNITED STATES OF AMERICA,

Plaintiff,

V.

NATHAN CANARY,

Defendant.

Cause No.

1 : 21 -cr- 0 2 4 3 JPH -DML

INDICTMENT

The Grand Jury charges that:

Count One

(21 U.S.C. § 841(a)(1) Possession with Intent to Distribute Controlled Substances)

On or about August 3, 2021, in the Southern District of Indiana, NATHAN CANARY, defendant herein, knowingly and intentionally possessed with the intent to distribute a mixture or substance containing a detectable amount of marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

Count Two

(18 U.S.C. § 924(c)-Possession of a Firearm in Furtherance of a Drug Trafficking Crime)

On or about August 3, 2021, in the Southern District of Indiana, NATHAN CANARY, defendant herein, did knowingly possess a firearm, that is, a Sig Sauer P938 handgun and a Glock 17 9 millimeter

handgun, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, the possession with intent to distribute marijuana on or about August 3, 2021; all in violation of Title 18, United States Code, Section 924(c)(1)(A).

Count Three

(18 U.S.C. § 922(g)(1)-Possession of a Firearm as a Previously Convicted Felon)

On or about August 3, 2021, in the Southern District of Indiana, NATHAN CANARY, defendant herein, having been convicted of a crime punishable by imprisonment for a term exceeding one year (to wit: Conspiracy to Distribute 100 Kilograms or More of Marijuana in the Western District of New York, Cause Number 08-CR-6042; and Dealing in Marijuana in Marion County, Indiana, Cause Number 49G20-1705-F3-019421) did knowingly possess in and affecting interstate commerce, a firearm, that is: a Sig Sauer P938 9 millimeter handgun, a Benelli Nova pump action shotgun, and/or a Wolf Magnum, .50 Caliber rifle, in violation of Title 18, United States Code, Section 922(g)(1).

FORFEITURE

1. The allegations contained in Count 1 of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 21, United States Code, Section 853.

2. Pursuant to Title 21, United States Code, Section 853, if convicted of the offense set forth in Count One of the Indictment, the defendant, NATHAN CANARY, shall forfeit to the United States any and all property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the offenses, and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the offense. The property to be forfeited includes any and all

items seized from on August 17, 2021 from Defendant NATHAN CANARY'S residence on Creekside Lane, Indianapolis, Indiana, including but not limited to:

- \$93,293.00 in United State currency
- One (1) white gold Rolex watch
- One (1) white gold diamond Patek Philippe watch
- One (1) yellow gold Rolex watch
- One (1) yellow gold/diamond Rolex watch with a red face
- One (1) yellow/gold diamond Rolex watch
- One (1) blue box containing a diamond ring
- One (1) gold diamond bracelet
- One (1) rose gold diamond bracelet
- One (1) rose gold diamond necklace
- One (1) white gold diamond necklace with a diamond pendant
- One (1) white gold diamond bracelet
- One (1) white gold diamond necklace
- One (1) yellow gold necklace
- One (1) white gold Rolex watch with a black face

3. The allegations contained in Count 2 of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c).

4. Upon conviction of the offense in violation of Title 18, United States Code, Section 924 (c) set forth in Count 2 of this Indictment, the defendant, NATHAN CANARY shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), any firearms and ammunition involved in the commission of the offense, including, but not limited to:

- Sig Sauer P938, S/N: 5213094913, 9mm, pistol
- * Glock 17, S/N: NONE, 9mm, pistol
- * Benelli Nova pump action 12-gauge shotgun, S/N: Z744367Y14
- * Wolf Magnum, .50 Caliber, S/N: 61-13-011919-07
- * 12-gauge shotgun shells (208 total)
- * 30-06 rounds (179 total)
- * 30 caliber rounds (49 total)
- * 30-30 rounds (4 total)
- * Smith and Wesson .40 caliber pistol magazine containing 3 live rounds

5. If any of the property described above, as a result of any act or omission of the defendant[s]:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

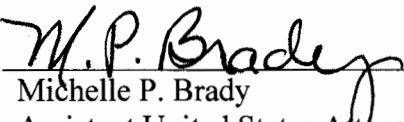
the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

A TRUE BILL:


FOREPERSON

JOHN E. CHILDRESS
Acting United States Attorney

By:


Michelle P. Brady
Assistant United States Attorney